

# Local Government Association briefing

## Debate on improving air quality

House of Commons  
28 June 2018



### Key messages

- Keeping our air clean is the responsibility of central government. The Government's air quality plans can be successful but they need clear leadership, sufficient funding and to be accompanied by robust national action. Councils have a role to play in helping to deliver this responsibility.
- Local authorities welcome efforts to improve air quality, and the Clean Air Strategy highlights some of the necessary measures to do so. However, it would benefit from being more specific in many areas.<sup>i</sup> We hope that the Government improves the strategy as a result of consultation and engagement with councils.
- Recent government action to lower Nitrogen Dioxide levels has been brought about by legal challenge from the EU and environmental groups. Failing to take proactive action to limit Nitrogen Dioxide means we risk repeating mistakes of the past and ignoring the wider public health ramifications.
- The joint Select Committee report into improving air quality is positive.<sup>ii</sup> The Government should consider the Committees' warning that the support currently available to local authorities is inadequate. A properly resourced national support scheme for councils is vital.
- It is clear that the current powers and legislative framework for air quality enforcement are in urgent need of updating. Some of the statutes governing the issue are decades old and not suited to tackling air pollution today. We are therefore keen that the Government's proposed legislative changes are developed in collaboration with local government.
- We are calling for robust national action to deliver cleaner air with support for targeted local intervention and national policy to develop a greener vehicle fleet. We would also like to see the Government give greater priority to demand management, more active travel and public transport across all policy proposals.

# Briefing

For more information, please contact:  
Thomas Leighton, Public Affairs and Campaigns Adviser  
[Thomas.Leighton@local.gov.uk](mailto:Thomas.Leighton@local.gov.uk) / 0207 664 3094

## **Background information**

### ***The Clean Air Strategy***

We welcome the clean air strategy that was recently published by the Government.<sup>iii</sup> The strategy needs greater clarity, and the proposals contained in the strategy would benefit from more detail once the consultation is complete. In particular we are keen to see the publication of the 'road to zero strategy' that is trailed in the document and sets a road map of how we intend to transition towards an electrified vehicle fleet.

It is clear that the current powers and legislative framework for air quality enforcement are in urgent need of updating. Some of the statutes governing the issue are decades old and not suited to tackling air pollution today. We are therefore keen that the Government's proposed legislative changes are developed in collaboration with local government, and that any new burdens and responsibilities are properly resourced. It is also important that we understand what environmental targets the Government will be aiming for after Brexit and which body will be responsible for enforcing them.

### ***The Government's nitrogen dioxide plan***

The measures proposed in the Government's nitrogen dioxide (NO<sub>2</sub>) plan have the potential to improve air quality and bring the UK closer to compliance.<sup>iv</sup> It is disappointing that the plan does not provide a sense of which interventions the Government would support. This is crucial for local authorities to understand which interventions are likely to have the most impact and will satisfy the Government's tests for their plans. Councils stand ready to make the right interventions to tackle NO<sub>2</sub> pollution.

The original clean air plan does not set out clearly that Clean Air Zones (CAZs) will have the most significant impact in bringing NO<sub>2</sub> levels. However, this is stated in the technical report accompanying the document, and should be in the plan itself.<sup>v</sup> The Department for Environment, Food and Rural Affairs' (DEFRA) plan is to require all local authorities that have an area of air quality exceedance to submit a plan for approval by the Secretary of State. Without a greater understanding of what DEFRA considers to be the most effective interventions, and in what circumstances, it is difficult to know whether a council's plan will be acceptable to the Secretary of State.

The existing CAZ framework should be clear in offering greater local flexibility. It potentially allows the Government to mandate some CAZs and establishes the Secretary of State as the arbiter of whether local plans are sufficient without giving criteria to judge them by. If a CAZ is to improve public understanding of air quality, the Government must be clearer on what the solutions should look like.

Concentrating on individual pollutants risks compounding the mistakes of the past. It is now acknowledged that the Government's focus on reducing Carbon Dioxide (CO<sub>2</sub>) in order to combat climate change led to the championing of diesel. This in turn slowed the rate of progress in reducing NO<sub>2</sub> levels which are more immediately harmful to human health.

Whilst councils will do the best they can to improve air quality in their local areas, they do not have power over significant infrastructure projects such as the Strategic Highways Network or major rail connections. This infrastructure has a significant impact on congestion and air quality. Air quality plans have the

potential to be successful but they need local leadership, sufficient funding and to be accompanied by robust national action on infrastructure.

### ***Support for local authorities***

Councils are calling for freedom to shape these plans to deliver air quality improvements. Individual local authorities will be best placed to understand the root causes behind air quality issues and come up with responses that suit local circumstances. Central government support is necessary for local interventions.

Local government would welcome a more consistent and transparent approach to air quality monitoring. We must invest in greater monitoring in order to have a more accurate picture of the problem. Whilst we accept that some element of modelling will always be required, local authorities would prefer that in the future that action is based on observed evidence, especially given the problems that we have had with modelling data during this process.

We welcome the Government's announcements on clean air funding. The funding process should be simple, quick and give local authorities discretion to use the funds as they see fit. Devising a complex bidding process will waste time and resources. If a local authority prepares a local clean air plan but its bid for funding is not successful, it could leave councils in an impossible position. Similarly, the current provisions for local plans requires councils to submit the plans to the Secretary of State for approval. This is an unnecessary burden, and the provision should be removed unless for a genuinely constructive challenge.

Keeping traffic flowing and managing congestion on local roads is key to reducing harmful emissions. It is positive to see the Government is considering allowing more local authorities to use lane rental powers. This has been proven in Kent and London to reduce traffic delays and the associated congestion. The Government should also fully implement part six of the Traffic Management Act 2004.<sup>vi</sup> This would help councils to keep traffic flowing by enabling them to enforce moving traffic offences through Penalty Charge Notices (PCNs). Currently these powers still rest with the police for all of England outside London.

The LGA has called for a clear and comprehensive public health campaign at a national level, similar to those undertaken for smoking and obesity. Only national government has the ability and resources to clearly communicate the nature of the problem with air pollution, the damage it can cause, the need for immediate action and what individuals can do to help. Local measures will only be successful if they are well understood, and the Government has a greater ability to reach a critical mass of people.

### ***Promoting clean transport***

As we highlight in our report on tackling congestion, there are many alternative ways in which the Government could help tackle congestion and improve air quality.<sup>vii</sup> Local authority best practice should be built upon nationally. We would welcome a consideration of viable alternatives as part of any solutions and funding bids.

Failure to manage traffic effectively will lead to congestion on our streets, causing toxic air and reduced quality of life. The environmental impact comes from vehicles in a traffic jam emitting four times as much pollution into the atmosphere as free flowing traffic which in turn contributes towards the estimated 40,000

premature deaths a year from air pollution. These impacts are avoidable, and we all – local authorities, central government, individuals and businesses – can help.

Councils use existing measures to the best of their ability, in line with local circumstances. However, they need greater powers to introduce proven measures that will help curb further congestion. We need positive, practical and attractive alternatives to car journeys with public transport, walking and cycling playing an important role. Some journeys will always need to be done by car but our goal should be to shift journeys to other means, or off the roads entirely. This will help those that need to use the roads as well as those that have to live with the consequences of congestion.

Government funding for local walking, cycling and public transport is fragmented and tied up in excessive competitive bidding processes. It is often focused on capital funding rather than ongoing revenue support which means that there are fewer resources available to support certain activities that are resource intensive. This could include educational campaigns, and maintenance measures, as well as resources to bid for competitive Government funds.

Sustainable and more cost-effective investments could be made into local walking and cycling infrastructure if councils had greater long-term funding certainty. Councils are currently forced to bid for competitive pots from year to year. This can lead to cycling infrastructure having to abruptly stop as funding for a scheme may have run out resulting in a patchwork of coverage.

The Government has announced its intention to push for electrification of the vehicle fleet, which is a welcome development. We need clarity on how the transition to electrification will be enabled. There is a role for national government in ensuring common standards and interoperability. There will also need to be fiscal incentives to develop the technology and ensure comprehensive charging infrastructure is in place.

---

<sup>i</sup> HM Government, Air Quality: draft Clean Air Strategy 2018 (<https://www.gov.uk/government/consultations/air-quality-draft-clean-air-strategy-2018>)

<sup>ii</sup> Environment, Food and Rural Affairs, Environmental Audit, Health and Social Care, and Transport Committees, Improving air quality, March 2018 (<https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/433/433.pdf>)

<sup>iii</sup> Ibid.

<sup>iv</sup> DEFRA, DfT, Air quality plan for nitrogen dioxide (NO<sub>2</sub>) in UK (2017) (<https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>)

<sup>v</sup> HM Government, UK plan for tackling roadside nitrogen dioxide concentrations: technical report, July 2017 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/632916/air-quality-plan-technical-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/632916/air-quality-plan-technical-report.pdf))

<sup>vi</sup> UK legislation, Traffic Management Act 2004 (<https://www.legislation.gov.uk/ukpga/2004/18/contents>)

<sup>vii</sup> LGA, A country in a jam: tackling congestion in our towns and cities, August 2017 (<https://www.local.gov.uk/tackling-congestion>)